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China, People's Republic of

Food and Agricultural Import Regulations and Standards

Admin. Measures for Entry Animal and Plant Quarantine

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Report Highlights:

This is an UNOFFICIAL English translation of the People's Republic of China Admin. Measures for Entry Animal and Plant Quarantine and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulation is accurate.

Includes PSD changes: No
Includes Trade Matrix: No
Unscheduled Report
Beijing [CH1], CH

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Summary

The following are the *Administrative Measures on Review and Approval of Entry Animal and Plant Quarantine*. The *Measures* were reviewed and approved at an executive meeting of the General Administration for Quality Supervision, Inspection and Quarantine (AQSIQ) on July 1, 2002 and signed by the AQSIQ Minister on August 2, 2002. The *Measures* have been published and will take effect on September 1, 2002.

Administrative Measures on Review and Approval of Entry Animal and Plant Quarantine

Chapter I. General Provisions

Article 1

Based on the *Law on Animal and Plant Entry-Exit Quarantine of the People's Republic of China* (CH1051) (hereinafter referred to as the *Law of Animal and Plant Entry-Exit Quarantine*) and its implementing regulations, and the provisions of the *Safety Administrative Regulations on Agricultural GMOs* (CH1056), these measures are established to further strengthen the management of the review and approval of animal and plant entry-exit quarantine, and to prevent the introduction into China of infectious animal diseases, parasitic diseases, harmful plant diseases, pests, and weeds, and other harmful organisms.

Article 2

These measures apply to entering animals (including animals in transit), animal and plant products that are subject to review and approval, and entry-prohibited products that require special review and approval as stipulated by the *Law of Animal and Plant Entry-Exit Quarantine*, its implementing regulations, and other state regulations. They also apply to quarantine review and approval of GMO products in transit as stipulated in the *Safety Administrative Regulations on Agricultural GMOs*.

Based on laws and regulations, and the catalogue of entry-prohibited products issued by the relevant department of the State Council, AQSIQ formulates, adjusts and publishes the catalogue of animals and plants, and their products, that require quarantine review and approval.

Article 3

AQSIQ undertakes the unified administration for the quarantine review and approval of entering animals and plants prescribed by these measures. AQSIQ or other AQSIQ-accredited review and approval agencies (hereinafter referred to as "review and approval agencies") are responsible for the issuance of the Animal and Plant Quarantine Entry Permit of the People's Republic of China (hereinafter referred to as "Quarantine Permit") and Notice of Rejection of the Application for an Animal and Plant Quarantine Entry Permit of the People's Republic of China (hereinafter referred to as "Notice of Rejection of the Application for Quarantine Permit").

Directly-affiliated entry-exit inspection and quarantine agencies (hereinafter referred to as "preliminary review agencies") are responsible for the preliminary review of applications for animal and plant quarantine entry reviews and approvals under their jurisdiction.

Chapter II. Application

Article 4

The entity applying for quarantine review and approval (hereinafter referred to as "applicant") should be an independent, legally constituted entity that is qualified to sign international trade contracts or protocols.

An applicant, or an applicant's agent, for in-transit animals and GMO products should be an independent, legally constituted entity that is qualified to sign international trade contracts or protocols.

Article 5

The applicant should apply for and obtain a Quarantine Permit from the review and approval agency before signing a trade contract or protocol.

The applicant should apply and obtain a Quarantine Permit from AQSIQ before animals or GMO products are in transit.

Article 6

The applicant should accurately fill out and submit the application for the Animal and Plant Quarantine Entry Permit of the People's Republic of China (hereinafter referred to as "application for quarantine permit"). If a preliminary review is needed, it will be conducted by the preliminary review agency at the port of entry; if the location of processing or utilization of the product falls outside of the jurisdiction of the preliminary review agency at the port of entry, it should, if necessary, be reviewed by the preliminary review agency at the location of utilization.

The applicant should submit the following documents to the preliminary review agency:

- 1) Certification that the applicant is a legally qualified person (photocopy);
- 2) An application for a permit to temporarily quarantine an entering animal at an isolated location should be filled out if applicable;
- 3) If entering meat, organs, casings, unprocessed fur (including feathers), raw hides, uncooked bones, horns, hooves, silkworm cocoons, or aquatic products are to be produced, processed or stored at designated enterprises published by AQSIQ, the applicant should provide a signed contract that designates the enterprise that will produce, process, or store the product.
- 4) If in the past an applicant has applied for entry permits for animal and plant products that may require verification, the applicant should provide the Quarantine Permit from the last time (including the verification table);
- 5) When making requests for permits for transiting animals, the transit route should be identified, an

- animal hygiene certificate issued by the official quarantine department of the exporting country or region provided, and the certification document of entry permit issued by the official quarantine department of the importing country or region provided as well;
- 6) Approval to introduce entry-prohibited products, as listed in Item (1), Article 5 of *the Law of Entry-Exit Animal and Plant Quarantine*, for scientific research, etc., requires a written application that details the quantity, purpose, form of introduction, post-entry epidemic prevention measures, project feasibility report, and research approval certification documents issued by the relevant department;
 - 7) Other required documents.

Chapter III. Review and Approval

Article 7

A preliminary review of an application for quarantine review and approval by the applicant includes:

- 1) A determination whether documents supplied by the applicant are complete and in compliance with Articles 4 and 6 of these measures;
- 2) A determination whether relevant animal or plant epidemic situations exist in the exporting countries or regions, or in countries or regions through which the animals or plants will transit;
- 3) A determination whether it complies with China's animal and plant quarantine laws and regulations, and industry regulations;
- 4) A determination whether it complies with bilateral quarantine agreements signed between China and the exporting country or region (including quarantine agreements, protocols, memoranda, etc.);
- 5) In the case of the introduction of animals, plants, and their products, that require quarantine monitoring in the course of production and processing, a review to determine whether items such as transportation, production, processing, storage and disposal are in compliance with quarantine, epidemic prevention, and monitoring requirements, and a determination of the allowable entry quantity based on the processing capacity of the producing or processing enterprise.
- 6) In the case of the introduction of animal and plant products for which verification is possible, a review should be conducted to determine how the previously reviewed and approved Quarantine Permit has been used, and how product use was verified.

Article 8

The preliminary review agency shall draft opinions following a successful preliminary review, and produce a permit for animal entry quarantine for a temporary isolation location that has been verified and approved. For entry animal and plant products subject to quarantine monitoring management, a verification report on enterprise producing, processing, or storing the products shall be provided if necessary. The preliminary review agency should submit all application documents to AQSIQ for verification.

Application documents will be returned to the applicant if they fail the preliminary review.

Article 9

An applicant can apply for only one quarantine permit for the same product from the same exporting country or region for the same processing or consuming enterprise.

Article 10

AQSIQ or the preliminary review agency may, if deemed necessary, arrange for experts to conduct a

risk assessment for the product for which an entry application has been made. The applicant has the obligation to provide related documents and samples for the tests.

Article 11

On the basis of the results of the verification process, AQSIQ will issue either a Quarantine Permit or a Notice of Rejection of the Application for a Quarantine Permit within 30 working days after the receipt of the preliminary review documents from the preliminary review agency.

For agricultural GMOs that transit the People's Republic of China, AQSIQ shall decide whether to approve the application and notify the applicant in due course.

Chapter IV. Management and Use of the Permit

Article 12

Applications for Quarantine Permits, Quarantine Permits, and Notices of Rejection of Applications for Quarantine Permits will be prepared and released by AQSIQ.

Quarantine Permits will be numbered by AQSIQ.

Article 13

Quarantine Permits are valid for three months or for one entry. Quarantine Permits lose validity at the end of the year unless issued for live animals.

Article 14

For the introduction of animal and plant products that may require verification, and for which a permit is used for multiple entries within a permitted amount, the inspection and quarantine agency at the port of entry should register verification in the quarantine entry verification table attached to the Quarantine Permit.

Article 15

In the following situations, the applicant should re-apply for a Quarantine Permit:

- 1) If the variety of quarantine entry product has been altered or the entry amount exceeds 5% of the permitted quantity;
- 2) If the exporting country or region has been altered;
- 3) If the port of entry, destination, or transportation route has been altered.

Article 16

In the following situations, the Quarantine Permit will be invalidated, annulled, or canceled:

- 1) When it overruns its validity period and automatically expires;
- 2) For multiple entry or inspection products, when all permitted amounts has been verified and it automatically expires;
- 3) When the government publishes an announcement or ban prohibiting the entry of certain products; any previously issued Quarantine Permits will be automatically annulled;
- 4) If the applicant violates relevant regulations with regard to quarantine review and approval, AQSIQ may terminate use of the issued Quarantine Permit.

Article 17

After the applicant obtains a Quarantine Permit, it may not be marketed or transferred. The inspection and quarantine agency at port of entry must verify that the applicant on the permit is consistent with the

consignee on the inspection and quarantine certificate, and with the contracting party of the business contract. If these are not consistent, the inspection request will not be processed.

Chapter V. Supplementary Provisions

Article 18

If the applicant violates these measures, the inspection and quarantine agency will assess a penalty based on related laws and regulations.

Article 19

The inspection and quarantine agency and its work staff must observe the principles of openness, fairness, and transparency, act in concert with laws, be devoted to duty, and voluntarily subject themselves to monitoring by the public.

The work staff who violate laws, regulations, and these measures by abusing power, by fraud, or by creating difficulties will be punished by their work unit or higher agency accordingly.

Article 20

AQSIQ is responsible for the interpretation of these measures.

Article 21

These measures shall take effect as of September 1, 2002.